

AMENDED IN SENATE APRIL 16, 2009

AMENDED IN SENATE APRIL 13, 2009

SENATE BILL

No. 195

Introduced by Senator Florez
(Principal coauthor: Senator Romero)
(Coauthor: Senator Alquist)

February 23, 2009

An act to amend Section 66290 of the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

SB 195, as amended, Florez. Equity in Higher Education Act.

(1) Existing law, the Equity in Higher Education Act, provides that it is the policy of the state to afford all persons, regardless of disability, gender, nationality, race or ethnicity, religion, sexual orientation, or other specified bases, equal rights and opportunities in the postsecondary institutions of the state. The act requires a postsecondary educational institution, as defined, prior to the receipt of any state financial assistance or state student financial aid, to provide assurance to the agency administering the funds that each program or activity conducted by the institution will be conducted in compliance with the act and all other applicable provisions of state law prohibiting discrimination on the basis of sex. The act permits a postsecondary educational institution to provide a single assurance, not more than one page in length and signed by an appropriate responsible official of the institution, for all programs and activities conducted by the institution.

This bill would additionally require a postsecondary educational institution to provide assurance that each program and activity conducted by the institution will be conducted in compliance with applicable

provisions of federal law prohibiting discrimination on the basis of sex. The bill would require the assurance provided by the postsecondary educational institution to be signed by specified officers of the institution, would require the assurance to apply to all programs and activities, including, but not limited to, academic and athletic programs, and would delete the one-page limit on the assurance. The bill would require that assurance to include specified ~~information, including~~ information regarding compliance with the act. The bill would require that information to be available for public inspection, upon request. The bill would provide for a civil penalty for a false declaration of specified matters required by these provisions. Because this bill would impose new requirements on community college districts under the act, it would constitute a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 66290 of the Education Code is amended
2 to read:
3 66290. (a) Prior to receipt of any state financial assistance or
4 state student financial aid, a postsecondary educational institution
5 shall provide assurance to the agency administering the funds, in
6 the manner required by the funding agency, that each program or
7 activity conducted by the postsecondary educational institution
8 will be conducted in compliance with this chapter and all other
9 applicable provisions of state law and federal law prohibiting
10 discrimination on the basis of sex. A single assurance, which shall
11 be signed by the Title IX compliance officer of the applicable
12 campus or location of the postsecondary educational institution,
13 if any, and the chief administrative official of the postsecondary
14 educational institution, shall be provided for all the programs and
15 activities conducted by a postsecondary educational institution,

1 including, but not limited to, academic and athletic programs. The
2 assurance shall include, ~~at a minimum, all of the following~~
3 ~~information:~~

4 ~~(1) Information regarding compliance with this chapter for each~~
5 ~~information regarding compliance with this chapter for each~~
6 campus or location of the postsecondary educational ~~institution.~~
7 ~~institution which, at a minimum, shall include:~~

8 ~~(2)~~

9 (1) The annual number of complaints of prohibited
10 discrimination filed pursuant to Section 66292.3, including the
11 number of written complaints received by each campus or location
12 of the postsecondary educational institution.

13 ~~(3)~~

14 (2) The annual number of civil actions filed against the
15 institution pursuant to Section 66292.4.

16 ~~(4)~~

17 (3) A description of any ~~public information or awareness~~
18 ~~campaigns information~~ against discrimination, as described in
19 Section ~~66270~~ 66271.8, provided *to students* by the postsecondary
20 educational institution.

21 (b) The information described in paragraphs (1) to ~~(4)~~ (3),
22 inclusive, of subdivision (a), as it pertains to a campus or a location
23 of the postsecondary educational institution, shall be available for
24 public inspection at that campus or location, upon request.

25 (c) (1) A person identified in paragraph (1) of subdivision (d)
26 who declares as true any material matter required by this section
27 that he or she knows or reasonably should have known to be false
28 shall be subject to a civil penalty not exceeding fifty thousand
29 dollars ~~(\$50,000). The civil penalty provided for in this subdivision~~
30 ~~shall (\$50,000).~~

31 (2) ~~The civil penalty provided for in this subdivision may be~~
32 ~~exclusively assessed and recovered by the Attorney General in a~~
33 ~~civil action brought in the name of the people of the State of~~
34 ~~California in any court of competent jurisdiction. any court of~~
35 ~~competent jurisdiction.~~

36 (3) ~~Actions pursuant to this subdivision may be brought by any~~
37 ~~person in the public interest.~~

38 (d) For purposes of this section, the following terms have the
39 following meanings:

1 (1) “Chief administrative official” means one of the following,
2 as applicable:

3 (A) The President of the University of California.

4 (B) The Chancellor of the California State University.

5 (C) The president of a campus of the California Community
6 Colleges.

7 (D) The president or highest ranking official of the private
8 postsecondary educational institution.

9 (2) “Title IX compliance officer” means the employee
10 designated by the postsecondary educational institution to
11 coordinate compliance with Title IX of the Education Amendments
12 of 1972 (20 U.S.C. Sec. 1681 et seq.) pursuant to the federal
13 regulations implementing that law.

14 SEC. 2. If the Commission on State Mandates determines that
15 this act contains costs mandated by the state, reimbursement to
16 local agencies and school districts for those costs shall be made
17 pursuant to Part 7 (commencing with Section 17500) of Division
18 4 of Title 2 of the Government Code.